

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID MORRIS,

Plaintiff,

v.

JAMES MCCAFFERY and DETECTIVE
BITTENBENDER,

Defendants.

Case No. 3:07-CV-01985

(Judge Kosik)

MEMORANDUM AND ORDER

NOW, this 29th day of November, 2007, it appearing to the court that:

(1) Plaintiff, David Morris, an inmate confined at the State Correctional Institution at Dallas, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 30, 2007;

(2) This matter was assigned to Magistrate Judge J. Andrew Smyser;

(3) On November 9, 2007, the Magistrate Judge filed a Report and Recommendation in which he recommends that the action be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1404(a);

(4) The Magistrate Judge found that venue is proper in the Eastern District of Pennsylvania because the events giving rise to the action occurred in Philadelphia, which is in the Eastern District of Pennsylvania;

(5) No objections were filed to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a magistrate judge's report and recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150–53 (1985). Nonetheless, the usual

practice of the district court is to give “reasoned consideration” to a magistrate judge’s report prior to adopting it. See Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987).

(7) Having considered the Magistrate Judge’s Report, we agree with the recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated November 9, 2007 is **ADOPTED**;

(2) The Clerk of Court is directed to **TRANSFER** this case to the United States District Court for the Eastern District of Pennsylvania and to **FORWARD** a copy of this Memorandum and Order to the Magistrate Judge.

s/ Edwin M. Kosik

United States District Judge